



State of New Jersey  
Department of Environmental Protection and Energy  
Division of Responsible Party Site Remediation

CN 028  
Trenton, NJ 08625-0028  
Tel. # 609-633-7141  
Fax. # 609-777-4285

Scott A. Weiner  
Commissioner

Karl J. Delaney  
Director

AUG 21 1991

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Edward Hogan, Esq.  
Porzio, Bromberg & Newman  
163 Madison Avenue  
Morristown, NJ 07960

Dear Mr. Hogan:

RE: Hexcel Corp. - Industrial Chemicals Group ("Hexcel")  
Lodi Borough, Bergen County  
ECRA Case #86009  
Superior Court Decision

As you may know, on May 6, 1991 the Appellate Division of the Superior Court found that "that portion of N.J.A.C. 7:26B-1.3, which requires that a Environmental Cleanup Responsibility Act (ECRA) Cleanup Plan include procedures for remedying contamination from the industrial establishment which exists off-site, on properties not owned by the operator of the establishment..." invalid.

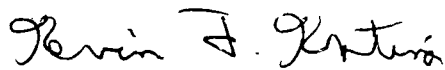

In Re Adoption of N.J.A.C. 7:26-B; Public Interest Research Group of New Jersey, et al. v. DEP, N.J. Super. (App. Div. 1991). On May 28, 1991 the Department of Environmental Protection ("DEP") asked the Supreme Court of New Jersey to review the Appellate Division's decision on this issue. On May 28, 1991 DEP also asked the Appellate Division to stay its decision on this issue pending a final determination by the Supreme Court. On July 2, 1991 the Appellate Division granted a stay of its decision "as to existing cleanup orders, plans or agreements in force on May 6, 1991". A copy of the Appellate Division's Order is enclosed for your information.

As you are aware, there was an existing Cleanup Plan for the above referenced facility as of May 6, 1991. Accordingly, pursuant to the court's order of July 2, 1991 you must continue to comply with all the requirements of your approved Cleanup Plan including any off-site requirements. We will keep you advised of any further developments in this matter. In the meantime, however, you must comply with the terms of your Cleanup Plan approval in accordance with the time frame specified in the approved schedule. In the event that you are not in compliance with the off-site requirements in your approved schedule, a revised schedule shall be submitted no later than September 16, 1991.



Should you have any questions regarding this letter, please contact Gary Sanderson, your assigned case manager at (609) 633-7141.

Sincerely,

  
 Kenneth T. Hart, Assistant Director  
Industrial Site Evaluation Element

Enclosure

c. William Nosil, Hexcel  
Joseph Ritchey, Heritage

884530002

A-2403-87T1  
A-2521-87T1  
A-2522-87T1  
A-2523-87T1  
A-2524-87T1  
A-364-89T3

ORDER ON MOTION

IN RE ADOPTION OF  
N.J.S.C. 7:263

REC'D  
APPELLATE DIVISION

JUL 8 1991

*[Signature]*  
Clerk

*[Signature]*  
Clerk  
SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-2403-87T1  
A-2521-87T1 A-2522-87T1  
A-2523-87T1, A-2524-87T1  
A-364-89T3  
MOTION NO. M-5250-90  
BEFORE PART: B  
JUDGES(S): KING  
COHEN  
STERN

MOTION FILED: May 28, 1991  
ANSWER(S) FILED: June 12, 1991  
SUBMITTED TO COURT: July 1, 1991

BY:  
BY: PICCO, MACK HERBERT etc.  
BY:

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ON THIS  
2nd DAY OF July, 1991 HEREBY ORDERED AS FOLLOWS:

MOTION BY RESPONDENT  
NEW JERSEY DEPARTMENT  
OF ENVIRONMENTAL PRO-  
TECTION FOR STAY PENDING  
PETITION FOR CERTIFICATION

GRANTED DENIED OTHER

XXX		XXX
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SUPPLEMENTAL: A stay pending the petition for certification is  
granted only as to existing cleanup orders, plans or  
agreements presently in force and relating to off-site  
contamination in force on May 6, 1991.

No stay is granted as to any cleanup orders,  
agreements or plans implemented from the date of our  
opinion, May 6, 1991.

I hereby certify that the  
foregoing is a true copy of the  
original on file in my office.

*[Signature]*  
Clerk

FOR THE COURT:

*[Signature]*  
MICHAEL PATRICK KING, P.J.A.D.

884530003